

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**\$68,490 IN UNITED STATES  
CURRENCY,**

**Defendant.**

Civ. No. 16-3920 (KM)(MAH)

**ORDER**


**KEVIN MCNULTY, U.S.D.J.:**

**THIS MATTER** comes before the Court on the Report and Recommendation (“R&R”) (DE 19) of the Honorable Michael A. Hammer, United States Magistrate Judge, recommending that the claim to the seized funds filed by Nayquan Johnson (“Claimant”) be dismissed pursuant to Federal Rules of Civil Procedure 16(f) and 37.

The Magistrate Judge having ordered discovery and scheduled conferences; and Claimant having neither furnished discovery nor appeared for the conferences; and the Magistrate Judge having ultimately issued an order to the Claimant to show cause why his claim should not be dismissed; and the Claimant having failed to respond to the Order to Show Cause; and the Magistrate Judge having filed his R&R citing the facts and appropriate case law, and carefully balancing the relevant factors under *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863 (3d Cir. 1984); and no party having filed an objection to the R&R; and this Court having considered all the foregoing and reviewed *de novo* the Magistrate Judge’s R&R, particularly its application of the *Poulis* factors; and this Court having decided the matter without oral argument pursuant to Federal Rule of Civil Procedure 78; and for good cause shown:

**IT IS** this 25th day of March, 2019,

**ORDERED** that Judge Hammer's Report and Recommendation (DE 19) is  
ADOPTED, and the Claimant's claim is dismissed with prejudice.



**KEVIN MCNULTY**  
**United States District Judge**